

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PML NORTH AMERICA, LLC,

Plaintiff,

v.

Case No. 05-CV-70404-DT

ACG ENTERPRISES OF NC, INC. et al.,

Defendants.

ORDER REGARDING DISCOVERY DISPUTE

On June 22, 2006, the court conducted a telephone conference, on the record, regarding a discovery dispute that had arisen in the above-captioned matter. For the reasons stated fully on the record,

IT IS ORDERED that the parties shall make two copies of the disputed hard-drive belonging to Defendant ACG Enterprises of NC, Inc. ("ACG"). One copy shall remain with ACG and the other copy will be transported by Plaintiff PML North America, LLC ("PML") to the chambers of this court by the end of the business day on Friday, June 23, 2006. If a dispute arises, a similar procedure should be employed with Defendant John Gilchrist d/b/a RTP Insurance ("RTP"). The hard-drive(s) shall be hand-delivered to chambers, and a "Notice of Submission" shall be electronically filed on the docket.

The parties are DIRECTED to begin negotiating the terms of a stipulated protective order to govern the disclosure and use of the hard-drive to PML, and shall submit the stipulated order to this court for approval by **July 6, 2006**. In the event a stipulation cannot be reached, the parties shall each submit their respective proposed

versions to the court, and the court will then choose the more appropriate version (or create its own version).

As further expressed during the telephone conference, if counsel finds it necessary to have PML's expert examine the hard-drive in ACG's North Carolina place of business, then ACG will pay for PML's expert's actual per diem costs, including meals, transportation, additional airfare, hotel expenses and incidentals.¹

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 22, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹"Per diem" does not include PML's expert's hourly fees.